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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,594	02/18/2004	Thomas Francis Doyle	020122	6306
23596	7590	04/02/2009		
QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER NGUYEN, TUAN HOANG	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 04/02/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

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Office Action Summary

Application No.

10/782,594

Applicant(s)

DOYLE ET AL.

Examiner

TUAN H. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-11, 14-19, 22-26, 29-32, 35-38 and 41-45 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5, 12, 13, 20, 21, 27, 28, 33, 34, 39 and 40 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 6-9, 17-19, 22-25, 38 and 41-45 is/are allowed.
- 6) ☒ Claim(s) 10-11, 14-16, 26, 29-32 and 35-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/28/2009 has been entered.
2. Claims 4-5, 12-13, 20-21, 27-28, 33-34 and 39-40 cancelled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-11, 14-15, 26, 29, 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpentier et al. (U.S. PUB. 2005/0283613 hereinafter, "Carpentier") in view of Twitchell, Jr. (US PUB. 2004/0082296 hereinafter, "Twitchell").

Consider claims 10, 26, and 32, Carpentier teaches wireless communication device for making an asset apparent to an individual, comprising: an input for allowing the individual to enter an identification code corresponding to the asset wherein the asset comprises equipment (fig. 3 page 3 [0031] and page 5 [0050] i.e., an asset identifier processor 310 is used to generate asset identifiers for assets obtained by asset collector 304 and stored in asset storage 312 (read on "the asset comprises equipment"). The purpose of processor 310 is to verify that the assets obtained from the network match the asset identifier from the silo request list. Assets may be quarantined by asset identifier processor 310 prior to placing them in asset storage); an output for providing a list of available apparency actions that the asset is able to perform to the individual, wherein the input further allows the individual to select one of the available apparency options (page 5 [0050]).

Carpentier does not explicitly show that a processor for receiving the input and generating a request to make the asset apparent based on the selected one of available apparency actions, the request including the identification code; and a transmitter for transmitting the request to the asset.

In the same field of endeavor, Twitchell teaches a processor for receiving the input and generating a request to make the asset apparent based on the selected one of available apparency actions, the request including the identification code (page 9 [0079] and page 11 [0111]); and a transmitter for transmitting the request to the asset (page 9 [0079]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a processor for receiving the input and generating a request to make the asset apparent based on the selected one of available apperency actions, the request including the identification code; and a transmitter for transmitting the request to the asset, as taught by Twitchell, in order for forming a wireless data communication network among a plurality of transceivers for tracking assets associated with the transceivers.

Consider claims 29 and 35, Carpentier further teaches a receiver for receiving the list of available appetency actions from a remote entity (page 5 [0050]).

Consider claim 11, Twitchell further teaches transmitter comprises a cellular transmitter (page 9 [0079]).

Consider claim 14, Carpentier further teaches a receiver for receiving the list of available appetency actions from a remote entity (page 5 [0060]).

Consider claim 15, Twitchell further teaches a position detector for determining a current location of the wireless communication device (page 9 [0079]); wherein the request further comprises the current location of the wireless device for use in determining an appetency action (page 11 [0111]).

5. Claims 16, 30-31 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpentier in view of Twitchell and further in view of Keillor et al. (U.S. PAT. 5,917,433 hereinafter, "Keillor").

Consider claims 16, 31 and 37, Carpentier and Twitchell, in combination, fail to teach the signal bearing medium comprising operations of: determining the current time of day; wherein the operation of generating a request to make said asset apparent comprises the operation of including said time of day for use in determining an appetency action.

However, Keillor teaches the signal bearing medium comprising operations of: determining the current time of day (col. 11 lines 39-48); wherein the operation of generating a request to make said asset apparent comprises the operation of including said time of day for use in determining an appetency action (col. 11 lines 39-48).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Keillor into view of Carpentier and Twitchell, in order to provide an asset monitoring system and associated method for tracking a container so as to identify the location of the container even after the container has been electrically untethered from an external power source.

Consider claims 30 and 36, Twitchell further teaches operations of: determining a current location of the signal-bearing medium (col. 3 lines 36-44); wherein the operation of generating a request to make said asset apparent comprises the operation of including said current location of the signal-bearing medium for use in determining an

appetency action (col. 1 line 58 through col. 2 line 2).

Reasons for Allowance

6. Claims 1-3, 6-9, 17-19, 22-25, 38 and 41-45 are allowed over the prior art record.
7. The following is an examiner's statement of reasons for allowance:

The applicant's remarks, filed on 01/28/2009, have been carefully reviewed with updated search. Consequently, reasons for allowance of claims 1-3, 6-9, 17-19, 22-25, 38 and 41-45 are set forth in according to the applicant's remarks state on pages 11-16.

Conclusion

8. Any response to this action should be mailed to:

Mail Stop _____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

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Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

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401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN H. NGUYEN whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan Nguyen/
Examiner
Art Unit 2618

/Nay A. Maung/
Supervisory Patent Examiner, Art
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